

South Hayward BART Mixed Use Project

Request for Modifications of the
Conditions of Approval



The
Montana
Property
Group

Request for Modification to Conditions

- Condition 18 – Traffic Light
- Condition 33 – Landscape and Lighting District
- Condition 113 – Payment of Park In-Lieu fees for affordable units.
- Condition 121 – Acquisition and Development of Caltrans parcel



The
Montana
Property
Group

Condition 18 – Traffic Light

- We do not believe light will be necessary until the BART garage is built.
- We are willing to contribute a pro rata share of the cost.
- **Modification request – Developers will pay 35% of the design and construction cost if other funding sources are not available.**



The
Montana
Property
Group

Condition 33 - LLAD

- LLAD's designed to large acreage projects
- Inefficient and unnecessary system
- We will maintain the common areas to high standard without LLAD

Modification Request – The condition be removed



The
Montana
Property
Group

Condition 113 – Payment of Affordable Units Park In-Lieu Fees

- Counter to the City's Municipal Code 10-16.11b
- Phase 1 meets the required public open space

Modification Request – The condition be removed



The
Montana
Property
Group

Condition 121- Acquisition and Development of the Caltrans Parcel

- Developers have no control to execute
- Cost is open ended
- Full burden of Condition placed on Phase 1
- Phase 1 meets the required public open space

Request – Developers will contribute \$455,000 beyond the Park In-lieu fees of \$2,313,185



The
Montana
Property
Group